

## **EXHIBIT 128**

### **Excerpts from Deposition Transcript of Peter Arcidiacono**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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DEPOSITION  
OF  
PETER ARCIDIACONO

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND  
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE  
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

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TAKEN AT THE OFFICES OF:  
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

06-29-18  
9:28 A.M.

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P. Jordan Powers  
Court Reporter

Civil Court Reporting, LLC  
P.O. Box 1146  
Clemmons, NC 27012  
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1 form of the question.

2 A. That's correct.

3 Q. (Mr. Fitzgerald) And you're not  
4 planning to offer an opinion as to whether  
5 Carolina engages in intentional discrimination  
6 against Asian Americans, correct?

7 A. That's correct.

8 Q. And in your January report you discussed  
9 the school group review process. You are not  
10 planning to offer any opinions about school group  
11 review, correct?

12 A. That's correct.

13 Q. And you're not offering any opinion or  
14 planning to offer any opinion that Carolina uses  
15 its wait list to effect a racial composition of  
16 admits, correct?

17 MR. STRAWBRIDGE: Object to the  
18 form of the question.

19 A. That's correct.

20 Q. (Mr. Fitzgerald) And you would agree  
21 that Carolina allows applicants to apply via early  
22 action, correct?

23 A. Correct.

24 Q. And early action is a program at  
25 Carolina that allows the applicant to apply early

1           Q.    And are you going -- planning to offer  
2           any opinion that to the extent there's a  
3           difference in how early action applicants are  
4           considered versus regular decision, that that is  
5           motivated by race in any way?

6                       MR. STRAWBRIDGE:   Object to the  
7           form of the question.

8           A.    Sorry.  Can you repeat the question?

9           Q.    (Mr. Fitzgerald)  To the extent that you  
10          see a difference in the admission rates for early  
11          action applicants versus regular decision  
12          applicants, are you offering any opinion that that  
13          difference is motivated by race in any way?

14          A.    No.

15          Q.    And do you understand that Caroline  
16          Hoxby appears to address a different question in  
17          her reports than you do?

18                       MR. STRAWBRIDGE:   Object to the  
19          form of the question.

20          A.    That's correct.

21          Q.    (Mr. Fitzgerald)  Okay.  What question  
22          do you understand her to be addressing?

23          A.    Well, she has a number of questions.  
24          Some that are directly related to these questions  
25          about, you know, the role of race in the